

BEFORE THE
ENVIRONMENTAL MANAGEMENT COMMISSION
OF THE
ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

| | | |
|--------------------------------------|---|----------------------|
| In the Matter of: |) | |
| |) | |
| Bobby Lewis and Michael Del Vecchio, |) | |
| Petitioners, |) | |
| |) | |
| vs. |) | |
| |) | EMC Docket No. 16-01 |
| Alabama Department of Environmental |) | |
| Management, |) | |
| Respondent, |) | |
| |) | |
| and |) | |
| |) | |
| City of Dothan, Alabama, |) | |
| Intervenor. |) | |

ORDER

This cause having come before the Environmental Management Commission pursuant to the "Recommendation of the Administrative Law Judge on Department's Suggestion of Mootness," ADEM's "Suggestion of Mootness," and "Petitioners' Response to Respondent's Suggestion of Mootness" for the above-styled appeal and having considered the same, the Commission hereby ORDERS, ADJUDGES, and DECREES as follows:

1. That the "Recommendation of the Administrative Law Judge on Department's Suggestion of Mootness" is hereby adopted; and
2. That pursuant to the adoption of the "Recommendation of the Administrative Law Judge on Department's Suggestion of Mootness," the Request for Hearing contesting the June 8, 2016 Modified Solid Waste Disposal Permit No. 35-06 to the City of Dothan is dismissed and moot; and
3. That this action has been taken and this Order shall be deemed rendered effective as of the date shown below; and
4. That a copy of this Order, along with a copy of the "Recommendation of the Administrative Law Judge on Department's Suggestion of Mootness," attached hereto and made a part hereof, shall be forthwith served upon each of the parties hereto either personally, or by certified mail, return receipt requested.

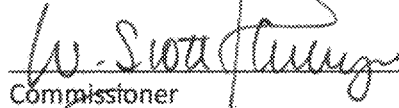
Environmental Management Commission Order
Page 2

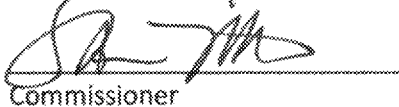
ISSUED this 19th day of August 2016.

APPROVED:


Commissioner


Commissioner


Commissioner


Commissioner


Commissioner

Commissioner

Commissioner

DISAPPROVED:

Commissioner

Commissioner

Commissioner

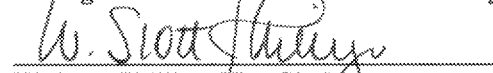
ABSTAINED:

Commissioner

RECUSED:

Commissioner

This is to certify that this Order is a true and accurate
account of the actions taken by the Environmental
Management Commission on this 19th day of August 2016.


W. Scott Phillips, Vice Chair
Environmental Management Commission
Certified this 19th day of August 2016

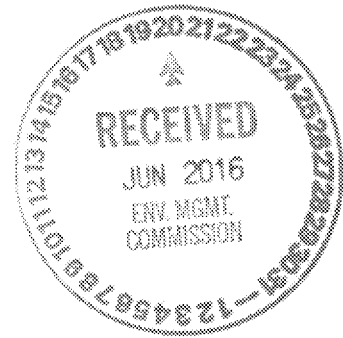
ATTACHMENT

**BEFORE THE
ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION**

| | |
|-----------------------------|---|
| BOBBY LEWIS and MICHAEL DEL |) |
| VECCHIO, |) |
| |) |
| Petitioners, |) |
| |) |
| v. |) |
| |) |
| ALABAMA DEPARTMENT OF |) |
| ENVIRONMENTAL MANAGEMENT, |) |
| |) |
| Respondent, |) |
| |) |
| CITY OF DOTHAN, ALABAMA, |) |
| |) |
| Intervenor. |) |

DOCKET NO. 16-01

SOLIDWASTE DISPOSAL
FACILITY PERMIT
NO. 35-06



**RECOMMENDATION OF THE
ADMINISTRATIVE LAW JUDGE ON DEPARTMENT'S SUGGESTION OF
MOOTNESS**

Before the undersigned is the Department's Suggestion of Mootness together with the Department's letter rescinding the issuance of the modified permit that is the subject of this appeal and the Petitioners' Response to the Department's Suggestion of Mootness. Upon consideration of these filings; the undersigned finds that:

1. On October 21, 2013, the Alabama Department of Environmental Management issued Solid Waste Disposal Facility Permit No. 35-06 to the City of Dothan to operate a solid waste disposal facility, known as the City of Dothan Sanitary Landfill.
2. On January 8, 2016, the Alabama Department of Environmental Management issued a modification of Solid Waste Disposal Facility Permit No. 35-06 to the City of Dothan.

3. The issuance of Modification of Solid Waste Disposal Permit No. 35-06 dated January 8, 2016, was rescinded and revoked by the Alabama Department of Environmental Management, on June 10, 2016.

4. Because the administrative action contested in this Hearing is no more, this matter is now moot.

Therefore, the Administrative Law Judge does hereby recommend that the Alabama Environmental Management Commission DISMISS as MOOT, the present Request for Hearing contesting the January 8, 2016 Modified Solid Waste Disposal Permit No. 35-06 to the City of Dothan.

DONE this 20 day of June, 2016.

A handwritten signature in black ink, appearing to read 'JF Hampton', is written over a horizontal dotted line.

JAMES F. HAMPTON
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